

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TAKO LLC,  
Plaintiff

v.

PARNELL COLVIN,  
Defendant

Case No.: 2:22-cv-01837-APG-NJK

**Order to Show Cause Why This Action  
Should Not Be Remanded for Lack of  
Subject Matter Jurisdiction**

Defendant Parnell Colvin removed this action from state court based on federal question jurisdiction. ECF No. 1. Under 28 U.S.C. § 1331, federal district courts have jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States.” Colvin asserts federal question jurisdiction exists because plaintiff Tako LLC violated his federal constitutional rights. However, Colvin’s federal defenses or counterclaims cannot create federal question jurisdiction for removal. *See Holmes Grp., Inc. v. Vornado Air Circulation Sys., Inc.*, 535 U.S. 826, 831 (2002) (stating that a counterclaim cannot serve as the basis for federal question jurisdiction); *Hall v. N. Am. Van Lines, Inc.*, 476 F.3d 683, 687 (9th Cir. 2007) (stating that “the existence of a defense based upon federal law is insufficient to support jurisdiction” (quotation omitted)).

I THEREFORE ORDER that defendant Parnell Colvin shall show cause why this action should not be removed to state court for lack of subject matter jurisdiction. Failure to respond by November 16, 2022 will result in remand.

DATED this 2nd day of November, 2022.



ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE